

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>DERRICK GIBSON,</b>	)	
	)	2:16cv392
Plaintiff,	)	<b>Electronic Filing</b>
	)	
v.	)	
	)	
<b>MARY FLEMING, et al.,</b>	)	
	)	
Defendants.	)	

**OPINION**

Pro se Plaintiff, Derrick Gibson filed a motion for preliminary injunction / temporary restraining order (ECF No. 32) seeking an injunction requiring staff at SCI-Forest to, inter alia, return all of his legal and personal mail and related material, and personal and legal property. Defendants filed a timely response in opposition (ECF No. 66).

As reflected in Magistrate Judge Eddy's Report and Recommendation (ECF No. 73) filed on April 30 2018, Plaintiff was transferred from SCI-Forest to SCI-Retreat subsequent to the filing of his motion. (ECF No. 69). Accordingly, it is recommended that the motion be denied as moot. Service of the Magistrate Judge's Report and Recommendation was made on the parties, who were informed that, in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, Defendants had until May 14, 2018 (ECF users) and Plaintiff until May 17, 2018, (non-ECF users) to file written objections. The time has passed for filing objections and to date, no party has filed any objections to the report and recommendation nor has any party sought an extension of time in which to do so.

After undertaking a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the Court finds that the Report and Recommendation should be adopted as the opinion of the Court. Accordingly, Plaintiff's will be denied as moot and the Magistrate Judge's April 30, 2018, Report and Recommendation (ECF No. 73) will be adopted as the opinion of the court.

An appropriate order will follow.

Date: June 4, 2018

s/ DAVID STEWART CERCON  
David Stewart Cercone  
Senior United States District Judge

cc: Derrick Gibson  
JP 2190  
SCI Retreat  
660 State Route 11  
Hunlock Creek, PA 18621-3136  
(Via First Class Mail)

J. Eric Barchiesi, Esquire  
(Via CM/ECF Electronic Mail)